

Panaji, 25th May, 1989 (Jyaistha 4, 1911)

SERIES II No. 8

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA

### GOVERNMENT OF GOA

#### Department of Personnel

##### Order

No. 6/3/81-PER

Read: Order No. 6/3/81-PER dated 28-4-1989.

In partial modification of the Government order read above, Shri P. Sreenivasa Reddy, Grade II Officer of Civil Service, presently functioning as Additional Deputy Collector, Collectorate of South Goa, Margao, is posted as Chief Officer, Curchorem-Kakoda Municipal Council vice Shri R. P. Kamat, transferred and posted as Deputy Registrar, Government Polytechnic, Panaji (vacant post), with immediate effect.

By order and in the name of the Governor of Goa.

Smt. Prabha Chandran, Under Secretary (Personnel).

Panaji, 10th May, 1989.

#### Revenue Department

##### Notification

No. 22/24/88-RD

Whereas by Government Notification No. 22/24/88-RD dated 23-3-1988 published on page 218-220 of Series II, No. 21 of the Official Gazette dated 25-8-1988 and in two newspapers (1) Herald dated 8-4-1988 (2) Gomantak dated 9-4-1988 it was notified under section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) hereinafter referred to as "the said Act") that the land, specified in the Schedule appended to the said Notification was likely to be needed for the public purpose viz. Land Acquisition for construction of Tivim Cansa road.

And whereas, the appropriate Government (hereinafter referred to as "the Government"), after considering the report made under sub-section (2) of section 5A of the said Act is satisfied that the land specified in the Schedule hereto is needed for the public purpose specified above (hereinafter referred to "the said land").

Now, therefore, the Government hereby declares, under section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government also appoints, under clause (c) of section 3 of the said Act, the Land Acquisition Officer, P.W.D. (Cell) Altinho to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and directs him under section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the Office of the said Land Acquisition Officer, P.W.D. (Cell) Altinho till the award is made under section 11.

### SCHEDULE

(Description of the said land)

Taluka: Bardez

Village: Tivim

Survey No. Sub. Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3
66/1 part	Mahadev B. S. Mulgaonkar.	65.00
62/2 part	Sadananda R. Tivrekhar. Arun P. Pokle.	3.00
62/3 part	O: Comunidade. T: Tatuji Kandolkar.	2.00
59/2 part	O: Comunidade.	600.00
59/3 part	O: Comunidade.	115.00
59/5 part	Murari B. Kandolkar. T: Tatuji A. Kandolkar.	115.00
51/6 part	1. Pasquina Fernandes. 2. Estela Pereira & 7 others.	96.00
51/4 part	Tatoji A. Kandolkar.	10.00
51/3 part	Inacina Pereira.	10.00
51/2 part	1. Maria E. Coutinho. 2. Jeron C. D'Souza. 3. Cristalina D'Souza. 4. A. L. Pereira & others 8.	83.00
51/15 part	Idalina D'Souza.	16.00
51/14 part	Francisco Pereira.	23.00
"/16 part	Luis A. V. Pereira & 3 others.	21.00
"/10 part	Carise.	25.00
"/9 part	Luis V. Pereira & 4 others.	84.00
"/18 part	Joao B. Baros.	20.00
"/12 part	Lucy Pereira & 5 others.	5.00
"/11 part	Francisco Pereira.	4.00
"/17 part	Inacio D'Souza.	9.00
"/8 part	Distiyan Pereira.	72.00
"/7 part	Lucy Pereira & 5 others.	410.00
64/1 part	Comunidade. T: Tatuji A. Kandolkar.	400.00
66/1 part	Salvador M. Pereira.	25.00
49/2 part	T: Tatuji A. Kandolkar. Pasquina Fonsea. Lucy Pereira. Xavier Paul & Other.	42.00
49/1 part	1. Estrian Pereira. 2. Antonio Pereira. 3. Ana Lucy Pereira & Others.	82.00
50/9 part	Luis Matias Coutinho.	33.00
50/4 part	Isabela Coutinho & Other.	15.00
50/3 part	Manelin Pereira & Others.	15.00
50/2 part	Franciso Pereira.	5.00
47/2 part	Francisco Pereira.	52.00
47/1 part	John M. Pereira & Magdela & Others.	125.00
124/1 part	Comunidade. T: Arjun G. Salgaonkar. Govind A. Salgaonkar.	30.00
132/1 part	O: Mary Pereira.	35.00
44/40 part	Joao Detolacao D'Souza. Luis Maria D'Souza.	17.00
44/39 part	Bartholomeio Francisco D'Souza.	60.00
"/33 part	Jose D'Mello.	65.00
"/28 part	Jose D'Mello.	50.00
"/21 part	Joaquim Salvador D'Souza.	30.00
"/3 part	Mosses U. D'Souza. Luis D'Souza. Tony D'Souza. Sofina D'Souza.	22.00

1	2	3	1	2	3
52/3 part	Jose P. D'Souza & 2 Others.	70.00	18/29 part	O: Michael Pereira.	445.00
"/6 part	Tony D'Souza & 3 Others.	25.00		Maria U. Pereira & Others.	
"/7 part	Ana Estalina D'Souza & 4 Others.	196.00	24/10 part	Maria Angela Sequira & Others.	9.00
129/20 part	Ditosa M. Braganza.	40.00	"/17 part	Matilda Pereira.	10.00
"/21 part	Estefania Pereira.	30.00	"/25 part	Jose Lourenco Dlima.	1.00
121/3 part	Antona C. Pereira & Others.	77.00	23/9 part	John Rocha & Thomas Rocha.	10.00
"/8 part	Comunidade.	32.00	"/10 part	Jose V. Rocha.	35.00
"/14 part	Comunidade.	32.00		T: Carmelina Rocha.	
130/23 part	O: Comunidade.	80.00	"/11 part	Thomas Gomes.	105.00
	T: Bikaro L. Gadekar.		"/12 part	Mary D'Souza.	75.00
155/3 part	Deelip R. Chandelkar.	16.00	"/13 part	Mary D'Souza.	50.00
137/2 part	Agustin Rodrigues.	35.00	"/14 part	Assis D'Souza.	52.00
138/3 part	Agustin Rodrigues.	72.00	"/15 part	Assis D'Souza.	40.00
135/31 part	Xavier D'Souza.	8.00	"/16 part	Jose P. N. Simoes.	55.00
135/30 part	Pascoal D'Souza.	8.00	17/1 part	Comunidade.	25.00
134/23 part	Agustin Natividade.	85.00	"/2 part	Luis Carmina Rocha.	50.00
140/1 part	T: Alex D'Souza.	110.00	"/3 part	Pedro Gomes Viegas.	20.00
139/1 part	O: Comunidade.	490.00	"/9 part	Salvador F. Menezes.	9.00
	T: Bhicaro L. Gadekar.		"/10 part	Vincent D'Sa and Others.	22.00
139/2 part	Xavier D'Souza.	36.00	"/11 part	Pedro Gomes Viegas.	246.00
153/1 part	Sebastiao C. Ferrao	55.00	"/12 part	Comunidade.	5.00
134/27 part	O: Martis Pascoal Braganza.	147.00	"/19 part	1. Leao B. Pereira.	15.00
140/2 part	Santan Alex A. Pereira.	15.00		2. Pedro P. Pereira.	
140/3 part	Izidor M. Athaide.	10.00	"/16 part	Pedro Gomes Viegas.	320.00
140/6 part	Saverina D'Souza.	4.00		T: Pandurang N. Parsekar.	
140/11 part	1. Leao B. M. Pereira.	20.00	16/4 part	Joaquim Rodrigues.	5.00
	2. Pedro P. I. Pereira.			T: Shivram P. Chandelkar.	
140/29 part	Victor Pereira.	5.00	"/5 part	Ferdinando D'Souza.	215.00
140/14 part	Antoneta Pereira.	40.00	"/8 part	Michael V. Pereira and Others.	22.00
140/15 part	Ana C. Pereira.	14.00			
140/20 part	Luis M. Pereira.	7.00			
140/25 part	Jessie Edociano Dias.	8.00			
140/26 part	Rosy Fernandes.	10.00			
147/5 part	Joseph B. Pereira.	30.00			
147/6 part	Justino Pereira.	175.00			
18/2 part	Pedro Gomes Viegas.	73.00			
19/1 part	O: Comunidade.	40.00			
	T: Vishram Porob.				
19/2 part	O: Comunidade.	15.00			
19/3 part	O: Comunidade.	125.00			
	T: Vishram Porob.				
146/15 part	Marcus Pereira.	175.00			
22/18 part	S. S. D. Lima.	110.00			
22/19 part	Michael Castalino and Others.	41.00			
22/27 part	Rocky D'Souza.	5.00			
	T: Laxman Kandolkar.				
152/1 part	O: Comunidade.	41.00			
	T: Bhilaro L. Gadekar.				
152/2 part	Archi D'Mello.	20.00			
22/28 part	Abalina Rodrigues and Others.	24.00			
"/29 part	Lily Castelina.	13.00			
"/30 part	Inacio Pereira.	10.00			
"/32 part	Gabriel Felix D'Souza.	15.00			
"/34 part	Jonuel Luis Pereira & Others.	25.00			
"/37 part	John Rocha.	7.00			
"/38 part	Jonual S. Rocha and Others.	15.00			
"/39 part	John Rocha and Others.	7.00			
"/45 part	Eugenio Pereira.	25.00			
"/46 part	Maria O. D'Souza.	14.00			
20/4 part	Pedro Gomes Viegas.	41.00			
"/6 part	Sabina Rocha.	25.00			
"/7 part	Estefania Pinto Gomes.	45.00			
"/9 part	Sabina Rocha.	15.00			
"/10 part	Pedro Gomes Viegas.	50.00			
"/12 part	Sabina Rocha.	17.00			
"/14 part	Salvador F. Menezes.	30.00			
18/1 part	1. Peao Pereira.	125.00			
	2. Pedro Pereira.				
18/5 part	Antonio Pereira & Others.	50.00			
	T: Laxmi Kauthankar.				
	Jasmina M. Lobo.				
18/8 part	Pedro Gomes Viegas.	75.00			
18/13 part	O: Dulcina Rodrigues & others.	80.00			
	T: Pandurang Parsekar.				
"/15 part	O: Pedro G. Viegas.	72.00			
	T: Pandurang Parsekar.				
"/17 part	O: Pedro G. Viegas.	31.00			
	T: Laxmi Kauthankar.				
	Jasmina M. Lobo.				
18/24 part	Pedro G. Viegas.	42.00			
"/26 part	Luis C. Rocha.	45.00			
"/27 part	O: Dulcin Rodrigues & Others.	90.00			
	T: Shivram P. Chandelkar.				
			Boundaries:		
			North: S. No. 47/1, 2 road		
			127/3, 4, 5, 129/3 S. No. 135,		
			29, 30, 31, 32, 138/3, 137/2,		
			59/3, 64/2, S. No. 134/23, 27,		
			S. No. 52/5, 6, 7, S. No. 51/8,		
			7, 17, 11, 12, 18, 10, 16, 9, 14,		
			15, 2, 3, 4, 5, 6; S. No. 64/1.		
			South: S. No. 140/1, 139/1 2, 3,		
			S. No. 151/1, 2, 3, 3 S. No.		
			152/1, 2, Road S. No. 49/1, S.		
			No. 50/1, 2, 3, 4, 9, 11, 12 S.		
			No. 47/1, 2, 3, 4, 5, S. No.		
			44/21, 28, 33, 39, 40, S. No.		
			139/1 S. No. 18/1, 2, Road.		
			East: S. No. 124/1, 126/1, 7, 8,		
			9 S. No. 127/3, 4, 5, 129/20		
			21, 22, S. No. 121/3, 8, 14, 15		
			30, 32 S. No. 64/1, S. No. 66/3		
			16 S. No. 22/18, 19, 21, 22,		
			23, 24, 27, 28, 29, 30, 32, 34,		
			35, 36, 37, 38, 39, 40, 41, 42,		
			43, 44, 45, 46, S. No. 20/1, 2,		
			6, 7, 9, 10, 12, 14 S. No. 140/1		
			to 3, 6, 11, 27, 29, 14, 15, 20,		
			24, 25, 26, S. No. 147/1, 5, 6,		
			S. No. 18/1, 2, 5, 8, 13, 15, 17,		
			18, 20, 21, 22, 23, 24, 25, 26,		
			27, 29.		
			West: S. No. 132/1, 131/1,		
			153/1 S. No. 155/3 S. No.		
			59/2 S. No. 49/2 S. No. 67/2		
			S. No. 52/3, S. No. 44/3, 4,		
			17, 21, 28, 33, S. No. 24/9,		
			10, 13, 16, 17, 23, 26, S. No.		
			23/3, 6, 7, 8, 9, 10, 11, 12,		
			13, 14, 15, 16, S. No. 17/1		
			to 16 S. No. 16/1, 3, 4, 5, 8		
			S. No. 146/15.		
			Total ..... 8347.00		
			By order and in the name of Governor of Goa,		
			P. S. Nadkarni, Under Secretary (Revenue).		
			Panaji, 24th April, 1989.		

## Public Health Department

Order:

No. 7/2/88-I/PHD

The following transfer of the officers under the Directorate of Health Services are hereby ordered with immediate effect.

Sr. No.	Name and designation of the officer and present posting	Designation and place of transfer
1	2	3
1.	Dr. Ashok Kakodkar, Jr. Gynaecologist, Asilo Hospital, Mapusa.	Jr. Gynaecologist, Primary Health Centre, Curchorem vice Dr. Sudha P. P. Vaidhya, Jr. Gynaecologist transferred.
2.	Dr. Sudha P. P. Vaidhya, Jr. Gynaecologist, Primary Health Centre, Curchorem.	Jr. Gynaecologist, against the vacant post of Asst. Gynaecologist, Primary Health Centre, Ponda.

Both the officers shall not be entitled for transfer travelling allowance.

Dr. Ashok Kakodkar, may get relieved only after Dr. K. V. Kuncolienkar, Senior Gynaecologist reports on duty.

By order and in the name of the Governor of Goa.

L. J. Menezes Pais, Under Secretary (Health).

Panaji, 26th April, 1989.

## Department of Labour

Order:

No. 28/69/84-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Dispute Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Governor of Goa.

Subhash V. Elekar, Under Secretary (Labour).

Panaji, 13th April, 1989

IN THE INDUSTRIAL TRIBUNAL  
GOVERNMENT OF GOA  
AT PANAJI

(Before Shri S. V. Nevagi, Hon'ble Presiding Officer)

Ref. No. IT/39/85

Isakabal A. Hubli — Workman  
V/s  
M/s Kadamba Transport Corporation Limited — Employer  
Workman represented by Adv. T. Xavier.  
Employer represented by Shri R. K. Pillai.

Panaji, Dated: 10-3-1989.

## AWARD

This is a reference made by the Govt. of Goa, by its order No. 28/69/84-ILD dated July 16, 1985 with an annexure scheduled thereto which reads as follows:

"Whether the action of the employer, M/s Kadamba Transport Corporation Limited, Panaji-Goa, in terminating the services of their workman, Shri Isakabal

A. Hubli, Driver, with effect from 4-10-83 is legal and justified.

If not, to what relief the workman is entitled to?"

After the reference was received in the office, notices were issued to the parties and the parties appeared in the matter and initially the workman-driver filed his statement of claim on 16-9-85. To this, the Managing Director of the Kadamba Transport Corporation filed the written statement on the same day. Thereafter the Managing Director filed a rejoinder on 4-11-85 and the workman also has filed a rejoinder on 4-11-85. It is not quite clear as to how the statements were so recorded. Anyway the statements are there on record and my predecessor by his order dated 16-12-85 framed a preliminary issue regarding the domestic enquiry. It seems that besides the Government reference he had not framed any other issues and he wanted to hear the issue regarding the domestic enquiry as a preliminary issue. After I took over, I by my order dated 3-2-88 directed that the whole matter should be heard on merits and there should be a fullfledged hearing. Accordingly the evidence in the case is recorded and before going through the evidence recorded before me in this case, I shall briefly enumerate the facts leading to the Government reference.

The KTC bus being driven by the driver Isakabal Hubli on 5-6-83. The bus left Bombay at noon time for coming to Margao. As per the provisions prevailing in the KTC then there were two drivers on the bus the distance being very long i.e. from Bombay to Margao. So initially when the bus started from Dhobitalao, the co-worker Shaikh Yusuf took the wheels and he drove the bus upto Panvel. Thereafter again between Khed to Rajapur the other driver Yusuf drove the vehicle and after Rajapur after the diesel was filled in the bus, Yusuf gave the wheels to workman-Hubli and Yusuf went to sleep. Hence from Rajapur the Driver-Isakabal Hubli was driving the bus and after the bus had crossed the curvature the driver felt sleepy and the bus went by the side of a bridge (culvert); took a jump and the driver lost control over the vehicle and the bus fell into a khud by the side of the road. The passengers in the bus who were sound asleep were injured and the other bus of K.T.C. coming from Bombay was stopped and the injured passengers were put into it and taken to the hospital. This is the gist of the statement of the Driver Isakabal Hubli recorded in Marathi on the next date of the accident and it bears the signature of the bus driver. I have started my discussion with the recorded statement of the driver because even though the driver Party I has put his appearance into this case through his Adv. Tina Xavier the driver himself has shunned the witness box and he has avoided entering the witness box. The statement of the driver immediately recorded after the accident ex facie shows that the driver who felt sleepy at the wee hours of morning time lost control over the vehicle and it is this singular lapse on his part which caused the injuries to the passengers, some of them being injured seriously. Adv. T. Xavier arguing the case on behalf of the driver states that the driver had stated in Konkani that the seat of the driver got dislocated because it took a jump and it went over a pot hole on the road. This is the explanation offered by the Advocate for the driver and according to her before the bus crossed the pot hole the bus was negotiating a curve. All this is stated by the Advocate appearing for the workman driver but the pity is that the driver who is gainfully employed elsewhere did not find it fit and necessary to enter the witness box to explain the circumstances under which the accident took place. That is how I have started the discussion with the statement of the driver recorded in Marathi immediately after the incident and I do not see any reason why the authority who recorded the statement of the driver would wrongly record that the driver felt sleepy at the time when accident took place. With these initial observations about the statement of the driver, I shall traverse through the evidence that is led before me on behalf of the K. T. C.

The evidence consists of two important officials and the first evidence is comparatively important because it is the evidence of Mohamadalli Gardi, Depot Manager of M. S. R.T.C. who was posted as a Depot Manager to Sawantwadi Depot on the day of accident viz. 6-6-83. The witness states that there is an understanding between M.S.R.T.C. and K.T.C. meaning Kadamba Transport Corporation Ltd., to examine the buses of each other whenever they meet with an accident in their respective region. Hence on learning about the accident of the Kadamba bus near Kudal at Vetel Bambarde on Bombay Sawantwadi road he went to the spot and he examined the condition of the vehicle; the condition of the road and recorded the statements of passengers and drew the panchanama.

The entire report and the proceedings are at Exb. E-1, and his report is addressed to the General Manager, K. T. C., Panaji. When he examined the condition of the road he found that the bus coming from Bombay and proceeding towards Panaji was encountering a curvature of the road and there was a heap of metal on the right side of the road. In his estimation the bus driver while taking the vehicle by the curve lost control over the vehicle and the vehicle went on the wrong side i.e. right side of the road and the right front wheel of the bus mounted on the heap of the metal and then the bus fell into the side by khud. According to him there was no Mechanical failure or defect in the bus but the accident was mainly due to the fact that the bus went on the wrong side of the road, mounted on the heap of metal on the right side of the road, and then it fell into the khud. In his estimation the Accident took place due to the inability of the driver to control the vehicle and because the vehicle was taken on the wrong side of the road. According to him the accident would not have taken place had the driver kept the vehicle on the correct side of the road i.e. left side of the road because the heap of metal was on the right side of the road. The depth of the khud by the right side of the road was about 15 feet and the bus was carrying 22 passengers. He examined the condition of the passengers and found that many passengers had minor injuries but two passengers had serious injuries. The passengers were taken initially to the hospital at Kudal and those who were serious were taken to the Panaji Medical Hospital. He also examined the condition of the bus and estimated the damage of Rs. 20,000/- or so. Thereafter he made the report which is at Exb. E-1. This is the sum and substance of the evidence of the independent witness of M.S.R.T.C. and there is no reason why the evidence of this witness should be disbelieved. In his cross examination he states that he is a Diploma holder in Automobile Engineering and he had examined many vehicles in the past and was well conversant with the mechanism and mechanical defects in the buses. The evidence of this witness is more than sufficient and additionally there is the evidence of Traffic Inspector Shripad Govind Bhuskute. He helped in bringing the passengers in another bus and out of the bus he got 19 passengers admitted in the Goa Medical College at Panaji. Out of 19, 17 passengers had received minor injuries while two persons had received serious injuries. After the driver of the bus came to Panaji he recorded the statement of the driver which is a Exb. E-2 and I have examined this statement of the driver in the opening paragraphs in detail and besides this statement there is no evidence led on behalf of Party I/driver. If the statement of the driver which is recorded immediately after the accident is reconciled with the evidence of Sawantwadi Depot Manager, Gardi we can logically draw the inferences to understand that in the small hours of the day the driver felt a bit sleepy and this lapse on the part of the driver was responsible for the accident leading to the catastrophe. It is not that Mr. Bhuskute has recorded the statement of Party I alone but he has also recorded the statement of the co-driver Shaikh Yusuf who was sleeping by the side of the delinquent driver at the time of the accident. The statement of the co-workman (which is not on record) also went to show that what was stated by Isakabal was correct and it is therefore brought on record that the Party I/workman-driver, who felt sleepy lost control over the vehicle and the vehicle went on the wrong side i.e. right side of the road and fell into the khud on the right side of the road which was 15 feet in depth and this depth of 15 feet was responsible for causing injuries to the inmates in the bus. This is the evidence on record and I do not see any reason why this evidence should not be accepted. According to Adv. Tina Xavier this accident took place due to unforeseen circumstances over which the driver had no control. In fact the boot is on the other leg. It is not that the driver had no control over unforeseen circumstances but the driver had no control over the vehicle which he was driving. Adv. T. Xavier then went on arguing further that the pure accident cannot be taken as rash and negligent driving because more happening of an accident does not amount to rash and negligent driving according to her. According to her there is no evidence showing that the vehicle was in excessive speed. It is no doubt true that there is no evidence that the vehicle was in excessive speed. However, it is no body's case that the vehicle was in excessive speed. On the contrary the case made out on behalf of the employer is that the vehicle went on the wrong side of the road. According to her the enquiry conducted against the workman was not conducted in a proper manner and the statement of the workman was probably recorded under pressure. However I fail to understand as to who is to say that the statement was recorded under pressure. It is not quite clear why the workman felt that he should remain

absent and the evidence recorded against him should be discarded there being no statement of the delinquent driver recorded in this case on oath. The very absence of the statement of the driver and his failure to come forward to explain the circumstances under which the accident took place is a factor to be taken into consideration while drawing the necessary inferences against the driver particularly in view of the immediate statement made by the driver before his Superior about the cause of the accident. As against the argument of Adv. Tina, Shri R. K. Pillai for the Corporation maintains before me that this is not a case of pure accident nor is this a case of accident taking place due to mechanical failure but this is a case wherein the driver lost control over the vehicle due to his rash and negligent driving. Relying on the statement of the Sawantwadi Depot Manager, Gardi he submitted before me that the accident would not have taken place had the driver kept the left side of the road and he relies on Sec. 70 of the Motor Vehicles Act and the then schedule and fact to be noted pertinently here is that the driver who was posted on a major route like Bombay and Margao has caused the accident within 8 months of joining service and hence he was dismissed from service because due to his rash and negligent driving a major accident took place and 22 passengers were injured and the vehicle was damaged heavily. It appears that the driver who had just completed 8 months of service was no more interested in the service and reinstatement into the service of K. T. C. The driver is already gainfully employed elsewhere and he has evinced no interest in this proceeding in this court and has left the matter to the skill and will of his Advocate who has tried her best to make out a presentable case on behalf of the absentee driver.

Upon a careful consideration of the fact and evidence on record I find that the employer has properly exercised the managerial right in dismissing the delinquent driver who had hardly completed the service of 8 months and the facts and circumstances do go to show the fact that the driver was not only careless in driving but he had no regard for the road safety. This cannot be termed as a case of pure accident but this is a case as seen from the records of rash and negligent driving and the case made out by Adv. Tina Xavier that the seat on which the driver was sitting got dislocated from the joint while passing over a pothole and this was the cause of accident is not acceptable in the given circumstances. According to the counsel for the Party II/Management this case of the seat getting dislocated is newly introduced and it is an after thought and no such suggestion was made during the course of the domestic enquiry where sufficient opportunity was given to the driver to defend his case. According to him the driver is properly dismissed at the end of the domestic enquiry which was held in a proper manner by giving full opportunity to the driver. Considering all the facts and circumstances of the case I hold that driver was rash and negligent in driving and the action of the management of K.T.C. in terminating the services of the driver is just and proper. In the result, I pass the following order.

#### ORDER

It is hereby held that the action of the employer M/s. Kadamba Transport Corporation Limited, Panaji, Goa, in terminating the services of their workman-driver Shri Isakabal A. Habb v. e.f. 4-10-1983 is just and proper and the same does not call for any interference.

Consequently the driver is not entitled to any relief in this matter.

The parties do bear their own costs and inform the Government accordingly.

S. V. Nevagi  
Presiding officer  
Industrial Tribunal

## Law (Establishment) Department

Notifications by the High Court of Judicature,  
Appellate Side, Bombay

No. A. 3902/G/86

The Honourable the Chief Justice and Judges make the following posting:—

Name	Place of posting
Shri B. D. Divekar, Civil Judge, Junior Division.	Mapusa as Civil Judge, Junior Division.
High Court, Appellate Side, Bombay, 29 March, 1989.	R. G. Sindhakar Registrar

No. A. 3902/G/86

The Honourable the Chief Justice and Judges direct that the orders contained in the High Court Notification No. A. 3902/G/86, dated 29 March, 1989, be treated as cancelled

## II

The Honourable the Chief Justice and Judges make the following postings:—

Name	Place and posting
Shri B. D. Divekar, Civil Judge, Junior Division.	Panaji as Civil Judge, Junior Division.
High Court Appellate Site, Bombay, 5 April, 1989.	R. G. Sindhakar Registrar.

No. A. 3902/G/86

The Honourable the Chief Justice and Judges make the following postings:—

Name and present posting	New posting
1) Shri M. D. Kamath, Civil Judge, Senior Division and Chief Judicial Magistrate, Margao.	Panaji as Civil Judge, (S.D.) and Chief Judicial Magistrate, vice Shri G. V. Ratnam.
2) Shri G. V. Ratnam, Civil Judge, Senior Division and Chief Judicial Magistrate, Panaji.	Mapusa as Civil Judge (S.D.) and Judicial Magistrate, F.C. vice Shri N. A. Britto.

Name and present posting	New posting
3) Shri N. A. Britto, Civil Judge, Senior Division and Judicial Magistrate, First Class, Mapusa.	Margao as Civil Judge (S.D.) and Chief Judicial Magistrate, vice Shri Kamath.

High Court, Appellate Side,  
Bombay, 7 April, 1989.

R. G. Sindhakar  
Registrar.

No. A. 3902/G/89

The Honourable the Chief Justice and Judges direct that the orders issued in the High Court Notification No. A. 3902/G/86, dated 3 December, 1988, posting Shri D. V. Coissoro, District Registrar-cum-Head of the Registrars and Notary, Goa, on repatriation, as Civil Judge, Senior Division and Judicial Magistrate, First Class at Panaji, at Sr. No. 1, stand cancelled.

High Court, Appellate Side,  
Bombay, 24 April, 1989.

R. G. Sindhakar  
Registrar.

No. A. 1202/G/87

The Honourable the Chief Justice and Judges grant Shri Eurico Santana da Silva, District and Sessions Judge, Panaji, Earned Leave for 15 days from 16 June, 1989 to 30 June, 1989.

On return from leave, Shri Eurico Santana da Silva is reposted as District and Sessions Judge, Panaji.

High Court, Appellate Side,  
Bombay, 27 April, 1989.

R. G. Sindhakar  
Registrar

No. A. 3902/G/86

In exercise of the powers conferred by Section 11(3) of the Code of Criminal Procedure, 1973 (No. 2 of 1974), the Honourable the Chief Justice and Judges are hereby pleased to confer the powers of a Judicial Magistrate of the First Class on the following Civil Judges, Junior Division:—

- 1) Shri B. D. Divekar,  
Civil Judge, Junior Division, Panaji.
- 2) Shri Crisanto Fernandes,  
Civil Judge, Junior Division, Pernem (Mapusa).

High Court, Appellate Side,  
Bombay, 28 April, 1989.

R. G. Sindhakar  
Registrar